

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
+ + + + +
MEETING

IN THE MATTER OF:

Caladon, LLC t/a	
Mr. Henry (Adams Morgan)	Fact-
1836 Columbia Road, NW	Finding
Retailer CR - ANC-1C	Hearing
License No. 17006	

(License in Extended
Safekeeping)

May 1, 2014

The Alcoholic Beverage Control
Board met in the Alcoholic Beverage Control
Hearing Room, Reeves Building, 2000 14th
Street, N.W., Suite 400S, Washington, D.C.
20009, Chairperson Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
HERMAN JONES, Member
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member

P-R-O-C-E-E-D-I-N-G-S

(3:19 p.m.)

CHAIRPERSON MILLER: Okay. The next is Mr. Henry located at 1836 Columbia Road, N.W., License No. 17006, in ANC-1C.

MR. DUGGAN: Good afternoon. Bill Duggan for Caladon Corp.

CHAIRPERSON MILLER: Okay. Good afternoon. Okay. So yours has been in safekeeping also since --

MR. DUGGAN: Forever.

CHAIRPERSON MILLER: -- forever. Okay. What's your plan?

MEMBER ALBERTI: He said that, not us.

MR. DUGGAN: I bought a building on 18th Street, 2423. And the building there, we took the plans to Historic Preservation. They made us make some modifications. My architect, Matt Blakeney, died suddenly. We just hired a new architectural firm just this past -- just about 10 days ago.

1 So they -- yeah, basically what
2 they gave us were some alterations. So
3 supposedly it has to go through staff at HPRB.
4 So he gave me a very small contract, so they
5 must have confidence that it's going to go
6 through.

7 So but I would say that hopefully
8 we are going to start construction, etcetera,
9 on that whole facade. We bought all the old
10 ironwork from Blackie's. So that's what we
11 are doing the front of the building, etcetera,
12 with.

13 CHAIRPERSON MILLER: Okay.

14 MR. DUGGAN: But it's definitely
15 going to be used at 2423.

16 CHAIRPERSON MILLER: Columbia
17 Road?

18 MR. DUGGAN: No, 18th Street.

19 CHAIRPERSON MILLER: 18th Street.

20 MR. DUGGAN: I'm sorry.

21 CHAIRPERSON MILLER: 18th Street.
22 Okay. What did you say you got a very small

1 what?

2 MR. DUGGAN: A very low-priced
3 contract from the architect.

4 CHAIRPERSON MILLER: Oh.

5 MR. DUGGAN: So they -- it's very
6 short. They have only spoken with -- I can't
7 remember his name over at HPRB, the staff who
8 handles Adams Morgan.

9 CHAIRPERSON MILLER: Okay.

10 MR. DUGGAN: Because he said they
11 approved it years ago with the modifications,
12 but the modification for -- at that time, you
13 know, literally the bank financing, you know,
14 went out. I actually put the building up for
15 sale at one point, but we are doing it.

16 CHAIRPERSON MILLER: Okay. So
17 what's your time line, do you think?

18 MR. DUGGAN: Promise.

19 CHAIRPERSON MILLER: When do you
20 think you --

21 MR. DUGGAN: I know we will be
22 starting construction within two months.

1 CHAIRPERSON MILLER: Okay.

2 MR. DUGGAN: Yes. So but it's
3 definitely going. I'm getting a lot of
4 pressure from the neighborhood also to get the
5 building going. But again, it was snail's
6 pace before the Historic Board. We were the
7 first case when they declared Adams Morgan,
8 18th Street historic.

9 CHAIRPERSON MILLER: Oh, okay.

10 MR. DUGGAN: And it was a
11 nightmare. We will not open a historic pizza
12 shop.

13 CHAIRPERSON MILLER: Do you think
14 you will be in within the six months?

15 MR. DUGGAN: Yes, absolutely.

16 CHAIRPERSON MILLER: Okay. So any
17 questions?

18 MEMBER JONES: What can we expect
19 to see within that six months?

20 MR. DUGGAN: I think the license
21 will be --

22 MEMBER JONES: You said you are

1 going to start --

2 MR. DUGGAN: I think the building
3 will be operational.

4 MEMBER JONES: You said you are
5 going to start construction in two months?

6 MR. DUGGAN: No. Start
7 construction on -- everything else is almost
8 ready to roll. The facade has to go through
9 HPRB.

10 MEMBER JONES: And that's going to
11 start in two months, you say?

12 MR. DUGGAN: That's already in --
13 it's already in process right now. I'm saying
14 that I'm hoping that we have approval to start
15 the facade mainly within weeks. I have no
16 problem with your six months deadline
17 whatsoever. I mean, I --

18 MEMBER JONES: Stop, stop, stop,
19 stop. I'm asking a very specific question,
20 which I don't understand what I'm asking,
21 because I'm understanding what you are telling
22 me. So --

1 MR. DUGGAN: Oh, okay. I can't
2 give you a specific answer, because I cannot
3 start doing any work unless it's approved by
4 the Historic Preservation Board.

5 MEMBER JONES: When do you expect
6 to get that approval?

7 MR. DUGGAN: I think I just said
8 two weeks, but again, I have had a hell of a
9 time up until now. I will not make any claims
10 as to what Historic will do.

11 MEMBER ALBERTI: Can I ask -- just
12 interject a question? Have you applied to
13 HPRB?

14 CHAIRPERSON MILLER: Yes.

15 MR. DUGGAN: Absolutely. I've got
16 a file three inches thick.

17 MEMBER ALBERTI: Okay. So that's
18 one thing you can provide.

19 MR. DUGGAN: I've spent hundreds
20 of thousands of dollars going through with
21 HPRB. Believe me, I want to get through the
22 process.

1 MEMBER ALBERTI: Okay.

2 MEMBER JONES: I'm just trying to
3 understand. You made it very clear that you
4 have no problem being able to be up and
5 operational within six months.

6 MR. DUGGAN: Yeah. Unless -- as I
7 said, I have gotten approval from HPRB that
8 with the modifications that they told us to
9 make, to bring it back. We have now made
10 those -- made the plans -- the modifications
11 that they requested. I would think that
12 should ply through.

13 However, I'm not a big fan of HPRB
14 and I'm not going to make any claims that I
15 know what they will do.

16 MEMBER JONES: Got it. So based
17 on that, you are not able to make a strong
18 claim that you are definitely going to be
19 operational within six months. Is that fair?

20 MR. DUGGAN: I think it's
21 extremely fair.

22 MEMBER JONES: Okay. And I'm

1 really trying to help you out, even though it
2 may not seem like it, because of your tone.
3 I'm just trying to figure out, you know, if at
4 the end of that six months you are not in
5 operation, it's not that you failed to meet
6 what you are telling us today. It's -- there
7 is other issues in terms of approvals,
8 etcetera, that you are running into.

9 MR. DUGGAN: Yeah.

10 MEMBER JONES: Challenges that you
11 are experiencing. Is that correct?

12 MR. DUGGAN: Correct.

13 MEMBER JONES: Okay.

14 MR. DUGGAN: But I bought the
15 building with the expectation of putting this
16 license in that building.

17 MEMBER JONES: That many years
18 ago?

19 MR. DUGGAN: Yeah, actually that
20 many years ago.

21 MEMBER JONES: In that building?

22 MR. DUGGAN: In that building. I

1 bought the building in 2004.

2 MEMBER JONES: Correct. Okay.

3 MR. DUGGAN: I know it's kooky,
4 believe me, but as I said between the time
5 frame when you are dealing with HPRB, then we
6 had the whole bank meltdown. I had financing
7 at one point for the whole thing. We have now
8 paid it all off. You know, we don't have
9 financing on it.

10 MEMBER JONES: Understood. Thank
11 you.

12 CHAIRPERSON MILLER: Mr.
13 Silverstein?

14 MEMBER SILVERSTEIN: So you are
15 saying, essentially, that the only thing, at
16 this point, between you and really getting --
17 being prepared to turn the key is HPRB?

18 MR. DUGGAN: Correct.

19 MEMBER SILVERSTEIN: Are you --
20 who are you dealing with down there? Who is
21 your person?

22 MR. DUGGAN: I don't have the

1 woman's name, but she is -- I'm not dealing
2 with them. The architect is dealing with her.
3 And they only have one staff person who deals
4 with Adams Morgan. And I just don't -- I'm
5 just blanking on her name.

6 MEMBER SILVERSTEIN: Are you on --
7 you said in two weeks. There is two weeks,
8 three weeks. The next meeting is the third
9 week in May.

10 MR. DUGGAN: It actually doesn't
11 have -- they told us it doesn't have to go
12 through the Board, because it's --

13 MEMBER SILVERSTEIN: It's on the
14 Consent Calendar?

15 MR. DUGGAN: -- they run it
16 through. They said staff can approve it.

17 MEMBER SILVERSTEIN: It's got --
18 it has been tentatively approved to the point
19 where staff can check it off with a final --
20 I feel a lot better now, if that's the case.

21 CHAIRPERSON MILLER: Yes.

22 MR. DUGGAN: As I said, I would

1 love to say that it's absolute, but the way
2 they put it was that with those modifications,
3 and we have done -- the changes that we have
4 done are the exact modifications that they
5 gave us to make.

6 MEMBER SILVERSTEIN: So how long
7 have you been before HPRB and how much have
8 you spent there?

9 MR. DUGGAN: I think the first
10 time was in 2008. And as I said, the changes
11 that they made, I wasn't -- the first changes
12 they made, I wasn't happy with. And so
13 literally I put the building up for sale.

14 MEMBER SILVERSTEIN: Yes.

15 MR. DUGGAN: And I think something
16 might have happened around that time with
17 regards to the banks, but getting financing
18 for someone else to buy the building was
19 impossible. So, you know, that wasted a
20 couple of years. And then we just came back
21 in and said we were going to go forward with
22 it.

1 And as I said, Matt Blakeney was
2 the architect who dealt with it originally and
3 took it all the way through until he died in
4 February of this year, you know, very
5 suddenly. So we had to find a new architect
6 to take it through.

7 MEMBER SILVERSTEIN: No further
8 questions.

9 MEMBER ALBERTI: Just so I'm
10 clear, there is no build-out to be done
11 inside?

12 MR. DUGGAN: There is
13 modifications inside. The inside is -- you
14 know, was done.

15 MEMBER ALBERTI: How far --

16 MR. DUGGAN: I would say 95
17 percent.

18 MEMBER ALBERTI: -- from opening?
19 Forget the outside. How far from opening is
20 the inside?

21 MR. DUGGAN: 95 percent.

22 MEMBER ALBERTI: How far? Days?

1 You are a businessman.

2 MR. DUGGAN: I would say -- not
3 that good of a one. But I would say a month
4 of work inside.

5 MEMBER ALBERTI: Okay. All right.

6 MEMBER SILVERSTEIN: Do you need
7 any permits for that?

8 MR. DUGGAN: What's that?

9 MEMBER SILVERSTEIN: Do you need
10 any permits?

11 MR. DUGGAN: The same architect is
12 doing that. You know, we've got to change the
13 whole -- everything but just the front.

14 MEMBER SILVERSTEIN: In other
15 words, not --

16 MEMBER JONES: Do you need any
17 permits to do that?

18 MR. DUGGAN: After HP -- well,
19 HPRB does not issue permits. You get the
20 permission from HPRB.

21 CHAIRPERSON MILLER: Yes.

22 MR. DUGGAN: Then you go to DCRA

1 and say --

2 MEMBER JONES: Do you work on the
3 inside.

4 MR. DUGGAN: No.

5 MEMBER JONES: Do you --

6 MR. DUGGAN: The only thing --
7 that work was done years ago.

8 MEMBER JONES: -- need a permit
9 for that work inside? Do you need permits for
10 the work on the inside?

11 MR. DUGGAN: No.

12 MEMBER JONES: Okay.

13 MR. DUGGAN: It's decorative
14 inside.

15 MEMBER ALBERTI: Okay. So my
16 question is you are telling us now that you
17 have accepted all the recommendations from
18 HPRB?

19 MR. DUGGAN: Correct.

20 MEMBER ALBERTI: All right. So
21 you can't come back to us and say oh, HPRB
22 wanted this and so -- wait, wait, wait,

1 because what I'm hearing you say is like well,
2 five years ago HPRB -- you weren't happy with
3 HPRB's recommendations, so you kind of
4 abandoned the project.

5 MR. DUGGAN: And then they changed
6 it.

7 MEMBER ALBERTI: I understand.

8 MR. DUGGAN: Well, Dan Louis --

9 MEMBER ALBERTI: I understand. I
10 understand.

11 MR. DUGGAN: -- left the Board.

12 (Simultaneous speaking.)

13 MEMBER JONES: HPRB, Dan Louis
14 left.

15 MEMBER ALBERTI: Wait. Let me ask
16 my question. Let me ask my question. So what
17 guarantee do we have that we are not in the
18 same position? You wouldn't just oh, I can't
19 do what HPRB wants me to do.

20 MR. DUGGAN: I can't give you a
21 guarantee. I am willing to roll it. I didn't
22 go in and invest this kind of money and time,

1 you know --

2 MEMBER ALBERTI: I understand.

3 MR. DUGGAN: -- to spin the
4 wheels. I'm going to act like I don't speak
5 English the next time, you guys are much
6 easier that way.

7 MEMBER ALBERTI: You know, it
8 comes to the same result though.

9 MR. DUGGAN: Okay. We're moving
10 forward, as I said.

11 MEMBER ALBERTI: Okay.

12 MR. DUGGAN: We're moving forward
13 full-tilt.

14 MEMBER ALBERTI: Okay.

15 MEMBER SILVERSTEIN: I think we
16 have heard --

17 MEMBER RODRIGUEZ: Yes, Mr.
18 Duggan, glad to see you here. And you have a
19 reputation as a very aggressive, effective
20 businessman, so I expect on the basis of that
21 good reputation that in six months you will be
22 up and running. I really trust that this will

1 happen.

2 MR. DUGGAN: I would assume so. I
3 would assume so.

4 MEMBER RODRIGUEZ: And I would
5 hope. Thank you.

6 MR. DUGGAN: Thanks.

7 CHAIRPERSON MILLER: Okay. So
8 wait a minute.

9 MEMBER JONES: Whoa, whoa.

10 MEMBER ALBERTI: Whoa. You speak
11 English.

12 MEMBER SILVERSTEIN: Madam Chair?

13 CHAIRPERSON MILLER: Okay. So as
14 I understand it, final modifications are
15 before HPRB for approval, that they asked you
16 to do and you did them. So you expect that
17 you are going to get an answer soon and move
18 forward and there is very little left to do
19 for you to open. Is that right?

20 MR. DUGGAN: And I have no problem
21 forwarding you the letters that have gone into
22 them.

1 CHAIRPERSON MILLER: Okay. But
2 it's not totally within your control. They
3 could possibly make new demands, but it's
4 unlikely, right?

5 MR. DUGGAN: Correct.

6 MEMBER ALBERTI: I would expect --

7 CHAIRPERSON MILLER: Okay.

8 MEMBER ALBERTI: -- based on his
9 representations, I would expect and if I don't
10 see it, I'm not sure what I would do. I might
11 actually cancel your license, but in six
12 months, I would expect to see all, at least,
13 at the very least, construction permits
14 approved for any work that needs to be done.

15 MR. DUGGAN: I think that part I'm
16 willing to guarantee it you will see within
17 six months.

18 MEMBER ALBERTI: And then within
19 one year, everything completed.

20 MR. DUGGAN: Yes.

21 MEMBER ALBERTI: I think that's
22 fair based on your representations.

1 CHAIRPERSON MILLER: Oh.

2 MR. DUGGAN: I'm easy. I just
3 said yes.

4 MEMBER ALBERTI: Okay. Great.

5 CHAIRPERSON MILLER: Okay.

6 MEMBER JONES: So are we setting a
7 Status Hearing for six months?

8 CHAIRPERSON MILLER: We'll set it
9 for six months. It's very possible that this
10 might come out of safekeeping ahead of that.

11 MEMBER ALBERTI: Yeah.

12 CHAIRPERSON MILLER: And just look
13 for it.

14 MEMBER ALBERTI: That would be
15 great.

16 MR. DUGGAN: I hope so.

17 CHAIRPERSON MILLER: Yes.

18 MEMBER ALBERTI: We will all come
19 by and say hello.

20 CHAIRPERSON MILLER: And if it
21 doesn't, then you will have to submit to us
22 proof of what you have been doing.

1 MR. DUGGAN: Not a problem
2 whatsoever.

3 CHAIRPERSON MILLER: Okay. Okay.
4 Everybody satisfied?

5 MEMBER JONES: Thank you.

6 MR. DUGGAN: Thank you. Now?

7 CHAIRPERSON MILLER: Yes, you may
8 be excused.

9 MR. DUGGAN: Thank you.

10 MEMBER ALBERTI: Thank you.

11 CHAIRPERSON MILLER: Okay.

12 (Whereupon, the Fact-Finding
13 Hearing in the above-entitled matter was
14 concluded at 3:29 p.m.)

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